

**REMARKS**

Please reconsider the application in view of the following remarks. Applicant thanks the Examiner for carefully considering this application.

**I. Disposition of Claims**

Claims 1-4 are pending in this application. Claims 1 and 3 are independent. The remaining claims depend, directly or indirectly, from claims 1 and 3.

**II. Rejection(s) under 35 U.S.C § 102**

Claims 1-4 stand rejected under 35 U.S.C. § 102 (e) as anticipated by U.S. Patent 6,728,956 (“Ono”). This rejection is respectfully traversed.

Ono discloses that when activation of the operation program does not work, restoration is achieved by replacement with an alternative and same operation program or by replacement with an older version of the program. Hence, the application program is also replaced with a new version along with the operation program. In column 8, lines 19-25, Ono teaches that even when “the version upgrading program” stored in flash memory is “somehow erased,” the MPU can read out the same version upgrading program from the auxiliary memory device. It is clear from this disclosure that the operation program (the upgrading program) is being replaced along with its corresponding applications (the application programs). Thus, Ono

teaches a method wherein application programs are inseparable from their respective operation programs.

In contrast, as recited in claims 1 and 3, if the operation program is changed while both the application program and operation program are running, the same application program is maintained. This does not equate to a replacement of both the operation program and the application program, but rather a process wherein the application program has been selectively retained. Furthermore, as recited in claims 1 and 3, when the operation program does not activate properly, a previous version of the operation program activates; however, under these circumstances, if the application program stops working as a result of an alteration in settings, a recovering application restores the previous settings.

The above requirements of claims 1 and 3 are distinctly contrary to a simple replacement of the application program. As can be seen in column 7, line 58 to column 8, line 33, in Ono, all that occurs is a replacement of the application program. A separate recovering application to restore settings to activate the same application program and render it operational is not provided. Thus, Ono fails to teach the invention as recited in claims 1 and 3 because it merely shows reversion to a program located elsewhere and not an alteration of the settings of the extant application program.

Finally, in column 7, line 58 to column 8, line 33, Ono discloses two storage areas, including a flash memory and an auxiliary memory device, which are not independently accessible locations of programs. The latter device merely serves as a backup storage area for the former device and does not itself constitute a direct source from which an operation or application program could be accessed by the processor.


In view of the above, Ono fails to show or suggest the present invention as recited in claims 1 and 3. Thus, independent claims 1 and 3 are patentable over Ono. Dependent claims are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

### III. Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 15115/020001).

Dated: June 21, 2005

Respectfully submitted,

By  #45,079  
Jonathan P. Osha THOMAS SCHERER  
Registration No.: 33,986  
OSHA · LIANG LLP  
1221 McKinney St., Suite 2800  
Houston, Texas 77010  
(713) 228-8600  
(713) 228-8778 (Fax)